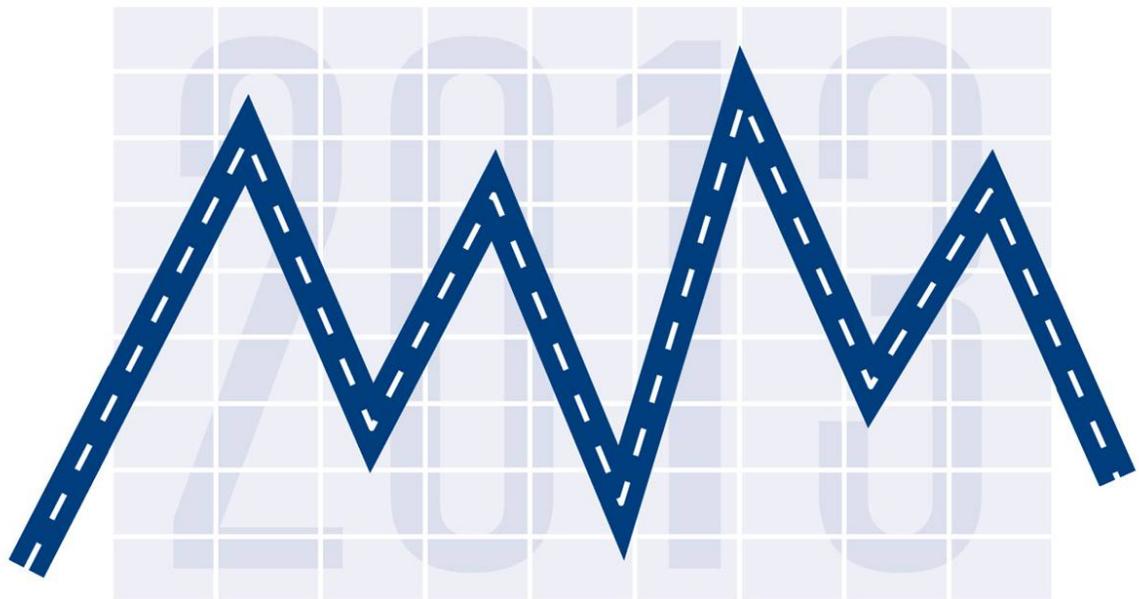


UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

Eleventh Annual DUI Report to the Utah Legislature



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Acknowledgements

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Statistical Note: Due to rounding, data in the tables in this report may not add up exactly to the totals indicated.

Executive Summary

DUI in Utah FY 2013

DUI-Related Fatalities in CY 2012

- From CY 2011 to CY 2012, DUI/alcohol-related fatalities in Utah decreased from 39 to 20, but DUI/drug-related fatalities increased from 30 to 37.

Law Enforcement: Arrests

- There were 12,227 DUI arrests in FY 2013, 804 fewer than in the previous year. This represents a decrease of over six percent, and a decrease of over 11 percent since FY 2011.
- Almost 81 percent of the arrests were for per se violations that included driving under the influence of alcohol, drugs, or both.
- Not a Drop violations by persons under the legal drinking age of 21 decreased almost 8 percent, with a decrease of over 22 percent since FY 2011.
- Arrests included 996 made during specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI sobriety checkpoints that involved 104 law enforcement agencies throughout the state.
- Fifty-three percent of all DUI arrests were made by municipal law enforcement agencies.
- Nearly 72 percent of DUI drivers were male.
- Almost 12 percent of arrestees were under the legal drinking age of 21.

- The average BAC was .146; the highest was .42, *over five times the legal limit*.
- The majority of DUI arrests occurred along the Wasatch Front with Weber, Davis, Salt Lake and Utah Counties accounting for 71 percent of the total.
- About 69 percent of arrests were for a first DUI offense, 20 percent were for a second offense, seven percent were for a third offense, and four percent were for a fourth or subsequent offense.
- From CY 2011 to CY 2012, the percentage of total crash fatalities that were DUI/alcohol-related decreased from 16.0 percent to 9.2 percent.
- From CY 2011 to CY 2012, the percentage of total crash fatalities that were DUI/drug-related increased from 12.3 percent to 17.1 percent.

Courts: Adjudications and Sanctions

- In FY 2013, there were 9,023 DUI cases in Utah's Justice Courts. Among the cases resolved, almost 58 percent resulted in a guilty plea or verdict.
- Justice Court judges ordered offenders to participate in an educational series in 2,629 cases, ordered offenders into substance use disorder treatment in 2,144 cases, and ordered ignition interlock devices in 767 cases.
- In FY 2013, there were 2,305 DUI cases disposed by the state's District Courts. Among the cases resolved, almost 76 percent resulted in a guilty plea or verdict.
- District Court judges ordered offenders to participate in an educational series in 308 cases, ordered offenders into substance use disorder treatment in 630 cases, and ordered ignition interlock devices in 275 cases.

Driver License Control

- The Driver License Division conducted 5,206 hearings in FY 2013 to determine if there was sufficient information to warrant the suspension or revocation of the individual's driver license.

Assessment, Education and Treatment

- Eighty-one percent of participants who completed the PRIME for Life program, Utah's court-ordered educational series for DUI offenders, reported they were highly motivated to reduce to or maintain their drinking at low-risk levels.



While DUI/alcohol-related fatalities in Utah decreased from 39 in CY 2011 to 20 in CY 2012, DUI/drug-related fatalities, including those involving illicit, prescription and over-the-counter drugs, are on the rise and increased from 30 in 2011 to 37 in 2012. Following are the stories of two drug-related DUI tragedies that were completely preventable.

Introduction

1

Introduction

Ambrosia Amalathithada-Ramseyer, a little girl with her whole life ahead of her, “was a ray of sunshine to all who knew her”. On the afternoon of March 14, 2012, following a tutoring lesson with her teacher at Whittier Elementary School, the six-year-old was in a crosswalk with her mother near Kensington Avenue (1500 South) and State Street in Salt Lake City, when the two were struck by a driver who did not yield. While 46-year-old Janeen Lundberg said she saw Ambrosia and her mother Natalie three to four car lengths away, witnesses and the physical evidence indicated she hit the two after swerving around cars stopped to allow the two to cross, hit the median, and continued into the crosswalk without applying her brakes.

Natalie Amalathithada-Randell suffered broken legs, a broken pelvis, a skull fracture and brain injury. Little Ambrosia suffered blunt force trauma to her head and passed away the following day after being taken off life support at Primary Children’s Medical Center.

Toxicology reports showed Janeen Lundberg was under the influence of a combination of multiple prescription and non-prescription (over-the-counter) central nervous system (CNS) depressants at the time she struck Ambrosia and her mother in the crosswalk. The drugs in her system included those categorized as pain relievers, muscle relaxants, antidepressants, and antihistamines. Side effects of such drugs include CNS depression, sedation, drowsiness, dizziness, and impaired reflexes. According to the testimony of one expert witness, “Ms. Lundberg was presented with a simple traffic pattern that should have been easily and safely managed; she did not appreciate that the vehicles in front of her were stopped at the crosswalk, nor did she recognize the potential for pedestrians in the crosswalk despite several signals to that effect; she did not perceive and react to the traffic until just prior to impact and when she did react, she over responded and over corrected. Ms. Lundberg’s ability to operate her motor vehicle was significantly impaired by the drugs present in her system.” According to her own statement, Ms. Lundberg said that “prior to the crash, she stopped to purchase coffee and NoDoz™ to make sure she would be safe because she had not slept well the night before.”



*Ambrosia Amalathithada-Ramseyer
2005 - 2012*

Janeen Lundberg was ordered to stand trial on charges of second degree automobile homicide or second degree manslaughter; driving under the influence of drugs with serious bodily injury, a third degree felony; failure to yield to a pedestrian in a crosswalk, a class C misdemeanor; and making an illegal turn, a class C misdemeanor. Trial was averted when Ms. Lundberg entered into a plea deal on September 9, 2013, where she pled guilty to a reduced count of automobile homicide as a third degree felony, and to driving under the influence of drugs with serious bodily injury, also a third degree felony. On December 16, 2013, Ms. Lundberg was sentenced to 0-5 years in prison for each count, to be served concurrently.

Information for this story and the story on the following page was obtained from the Information, Warrant of Arrest, Witness Statement and Sentencing Memorandum provided by the Salt Lake County District Attorney’s Office; as well as articles in the *Deseret News* and *The Salt Lake Tribune*, and reports on the ksl.com and The CW30 websites.

Christmas Eve 2011 changed the lives of the Pack family forever. As they were traveling home to American Fork from a holiday party, a Suburban crossed the median at 9600 South and 1000 West in West Jordan and hit their Subaru Outback head-on. Ryan and Kelly Pack, and their two young sons, 3-year-old Finn and 18-month-old Colum, were all hospitalized with serious injuries. Baby Colum passed away in his parents' arms just hours later, on Christmas Day.



Colum Jacob Pack
2010 - 2011

The driver of the Suburban, 55-year-old Thomas Ainsworth, was allegedly reaching for his cell phone when he lost control of his vehicle and crashed into the Pack family. Results of toxicology tests showed Ainsworth, who was also injured in the collision, had methamphetamine and marijuana metabolite in his system. In March of 2012, he was charged with driving with a measurable controlled substance in his body and causing death, and two counts of driving with a measurable controlled substance in his body and causing serious bodily injury, all second degree felonies. He was also charged with crossing over the median, a class C misdemeanor. In July 2013, Ainsworth pled guilty to three counts of negligent driving that caused injury or death; in exchange for admitting guilt, charges of crossing the median and driving without insurance were dropped. In September 2013, Thomas Ainsworth was given the maximum sentence of one to 15 years for each count, to be served consecutively.

Ryan and Kelly Pack's injuries were so severe that initially they were physically unable to care for their surviving son. Today, although their physical injuries still restrict them, Ryan, Kelly and Finn are trying to move on with their lives. But the emotional injuries from that Christmas Eve may be more difficult to overcome. Consider Kelly Pack's heartache when she said of little Colum, "I will never get to see those beautiful blue eyes and that big mischievous smile ever again."

Purpose of the Report

The *Eleventh Annual Driving Under the Influence Report to the Utah Legislature* was prepared in accordance with §41-6a-511 of the Utah Code. The statute requires the Utah Commission on Criminal and Juvenile Justice to prepare an annual report of DUI related data, including the following:

- Data collected by the state courts to allow sentencing and enhancement decisions to be made in accordance with violations involving driving under the influence of alcohol and/or other drugs;
- Data collected by the justice courts (same DUI related data elements collected by the state courts); and
- Any measures for which data are available to evaluate the profile and impacts of DUI recidivism and to evaluate the DUI related processes of:
 - law enforcement;
 - adjudication;
 - sanctions;
 - driver license control; and
 - alcohol education, assessment, and treatment.

2013 DUI Legislation



The following bills and appropriation were passed by the Utah Legislature in the 2013 General Session:

S.B. 13 **Amendments to Ignition Interlock Program**
Senator Daniel W. Thatcher

This bill provides that the Driver License Division may only clear the suspension for an ignition interlock violation if the division electronically verifies that the person does not have a vehicle registered in the person's name in the state of Utah, rather than a vehicle registered in any state.

S.B. 146 **Driving Under the Influence Amendments**
Senator Scott K. Jenkins

This bill establishes minimum hours that a court shall require a person to participate in home confinement, if the court orders home confinement through the use of electronic monitoring for a first, second, or felony driving under the influence offense.

Provides that a court may order the imposition of an ankle attached continuous transdermal alcohol monitoring device as a condition of probation if a person is convicted of a driving under the influence violation and there is admissible evidence that the person had a blood alcohol level of .16 or higher.

H.B. 128 **Driver License Suspension Modifications**
Representative Douglas V. Sagers

This bill amends the driver license suspension periods for a person who is under 19 years of age and is convicted of certain alcohol and drug related offenses.

Amends the amount of time that a court may shorten a person's driver license suspension for certain alcohol or drug related offenses prior to the completion of the suspension period if the person is under 19 years of age and completes certain requirements.

Amends the administrative suspension periods for persons under 19 years of age who have violated certain alcohol or drug related offenses.

Appropriation

Alcoholic Beverage Enforcement and Treatment Restricted Account

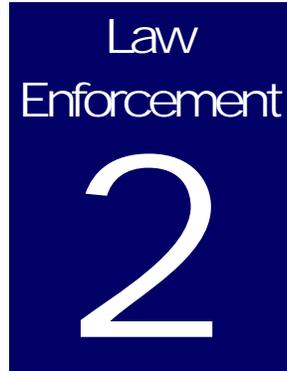
The 2013 Legislature appropriated \$5,463,800 to the Alcoholic Beverage Enforcement and Treatment Restricted Account (§32B-2-401) for FY 2014. Funding from this account is distributed annually on a formula basis to Utah's municipalities and counties to be used for one or more of the following purposes: (1) alcohol-related prevention/education; (2) treatment of offenders with alcohol problems; (3) alcohol-related law enforcement, including DUI; (4) prosecution of alcohol-related cases; and (5) confinement of alcohol law offenders.

USAAV DUI Committee

The Utah Substance Abuse Advisory Council maintains a DUI Committee whose members represent state and local agencies and organizations dealing with the DUI issue in Utah. The Committee works closely with the Legislature to recommend and review proposed legislation that will strengthen Utah's ability to more effectively address the DUI problem.



USAAV DUI Committee Membership	
Senator Stuart Adams	Senator <i>Utah State Senate</i>
David Beach	Director, Utah Highway Safety Office <i>Utah Department of Public Safety</i>
Edward Berkovich	Traffic Safety Resource Prosecutor <i>Utah Prosecution Council</i>
Bart Blackstock	Citizen Member and Former Deputy Director of the Driver License Division, <i>Utah Department of Public Safety</i>
Paul Boyden, <u>Chair</u>	Executive Director <i>Statewide Association of Prosecutors</i>
Art Brown	Representative of DUI Victims, Past President of the Utah Chapter of Mothers Against Drunk Driving
Patty Fox	Probation Program Manager <i>Salt Lake County Criminal Justice Services</i>
Colonel Daniel Fuhr	Superintendent, Utah Highway Patrol <i>Utah Department of Public Safety</i>
Kim Gibb, <u>Vice Chair</u>	Records Bureau Chief, Driver License Division <i>Utah Department of Public Safety</i>
Chief Wayne Hansen	Farmington Police Department <i>Utah Chiefs of Police Association</i>
Linda Mayne	Education Specialist for Driver Education <i>Utah State Office of Education</i>
Doug Murakami	Director of Alcohol Education <i>Utah Department of Alcoholic Beverage Control</i>
Sheriff Frank Park	Tooele County Sheriff's Office <i>Utah Sheriffs Association</i>
Teri Pectol	Impaired Driving/Youth Alcohol Program Manager, Utah Highway Safety Office, <i>Utah Department of Public Safety</i>
Richard Schwermer	Assistant State Court Administrator <i>Administrative Office of the Courts</i>
Holly Watson	Substance Abuse Education Program Manager <i>Utah Division of Substance Abuse and Mental Health</i>
Mary Lou Emerson, Director	Utah Substance Abuse Advisory Council



Law Enforcement

The Utah Department of Public Safety, through its Driver License Division and Highway Safety Office, collects information on all DUI arrests. In FY 2013, law enforcement officers made 12,227 DUI arrests. This was 804 fewer than in FY 2012, representing a decrease of over six percent, and a decrease of over 11 percent since FY 2011.

DUI Arrests

DUI Arrests by Violation Type

As illustrated in the following table, the distribution of DUI arrests by type of violation in FY 2013 was very similar to previous years. Nearly 81 percent of the arrests were for per se violations where the driver had a .08 or greater blood/breath alcohol concentration, or was impaired by alcohol, drugs, or a combination of the two to the extent it was unsafe to operate a vehicle. Under Utah law, drivers are considered to have given consent to tests of breath, blood, urine, or oral fluids to determine whether they are driving under the influence of alcohol or other drugs. Almost 12 percent of arrests were for refusal to submit to a chemical test. It is also illegal to drive with any measurable controlled substance metabolite in one's body, which accounted for almost two percent of arrests. Violations of the Not a Drop statute, by persons under the age of 21 who drove with any measurable alcohol concentration in their body, accounted for 4.5 percent of the arrests, a decrease of nearly eight percent from the previous year and 22.5 percent since FY 2011. The fewest arrests were of commercial drivers exceeding the .04 limit, which represented only 0.1 percent of the total.

DUI Arrests by Violation Type	FY 2011		FY 2012		FY 2013		Percent Change FY 12-FY 13
	Number	Percent	Number	Percent	Number	Percent	
Per se Alcohol/Drug	11,586	83.9%	10,911	83.7%	9,872	80.7%	-9.5%
Refusal of Chemical Test	1,324	9.6%	1,350	10.4%	1,415	11.6%	+4.8%
Not a Drop (< 21)	706	5.1%	594	4.6%	547	4.5%	-7.9%
Drug Metabolite	185	1.3%	149	1.1%	191	1.6%	+28.2%
Commercial Driver (.04)	15	0.1%	27	0.2%	17	0.1%	-37.0%
Unknown (no box marked)	0	0.0%	0	0.0%	185	1.5%	NA
TOTAL	13,816	100.0%	13,031	100.0%	12,227	100.0%	-6.2%

Source: Utah Department of Public Safety, Driver License Division

DUI Overtime Enforcement Events

The arrests made in FY 2013 included those that occurred as a result of specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI checkpoints. A portion of the DUI impound fees collected was specifically designated to fund the overtime shifts. During FY 2013, 104 law enforcement agencies throughout the state participated in overtime events, including local police agencies, sheriffs' offices, the Utah Highway Patrol, Motor Vehicle Enforcement, Utah Parks and Recreation, Utah Wildlife Resources, and three university police departments.

The table below shows the measures associated with DUI overtime enforcement events in FY 2013. Of the total 996 DUI arrests, 768 were for alcohol, 155 were for other drugs, and 73 were for drug metabolite.

Statewide DUI Overtime Enforcement Events	FY 2011	FY 2012	FY 2013	Percent Change FY 12 – FY 13
DUI Shifts Worked	2,183	2,116	2,306	+9.0%
Vehicles Stopped	21,352	19,313	26,306	+36.2%
DUI Arrests	1,020	972	996	+2.5%
Vehicles Impounded	929	915	629	-31.3%
Alcohol-Related Arrests*	640	566	634	+12.0%
Drug-Related Arrests**	509	468	489	+4.5%
Warrants Served	465	384	424	+10.4%
Other Warnings/Citations	17,547	17,425	21,370	+22.6%

Source: Utah Department of Public Safety, Highway Safety Office
 *Includes open container and underage/youth alcohol violations (e.g., possession, consumption, attempted purchase, Not a Drop)
 **Felony and misdemeanor (e.g., drug possession)

DUI Arrests by Agency Type

Fifty-three percent of all DUI arrests in FY 2013 were made by municipal law enforcement agencies, with the Utah Highway Patrol responsible for almost 35 percent, and county sheriffs' offices responsible for almost 12 percent.

DUI Arrests by Agency Type	FY 2011		FY 2012		FY 2013	
	Number	Percent	Number	Percent	Number	Percent
Sheriffs' Offices	1,787	12.9%	1,873	14.4%	1,439	11.8%
City Police/Other	7,140	51.7%	6,586	50.5%	6,542	53.5%
Highway Patrol	4,889	35.4%	4,572	35.1%	4,246	34.7%
TOTAL	13,816	100.0%	13,031	100.0%	12,227	100.0%

Source: Utah Department of Public Safety, Driver License Division

DUI Arrests by Gender

The table on the following page shows the proportions of male and female arrestees have remained fairly consistent over the past three years. In FY 2013, nearly 72 percent of arrestees were male and 27 percent were female.

DUI Arrests by Gender	FY 2011		FY 2012		FY 2013	
	Number	Percent	Number	Percent	Number	Percent
Male	10,109	73.2%	9,448	72.5%	8,753	71.6%
Female	3,663	26.5%	3,539	27.2%	3,369	27.5%
Unspecified	44	0.3%	44	0.3%	105	0.9%
TOTAL	13,816	100.0%	13,031	100.0%	12,227	100.0%

Source: Utah Department of Public Safety, Driver License Division

DUI Arrests by Age

The youngest DUI driver in FY 2013 was 13 years old, and the oldest were 79-81 years of age. Nearly 12 percent of arrestees were under the legal drinking age of 21, an increase of nearly 40 percent since the previous year. Drivers ages 25-36 accounted for nearly 40 percent of all arrests for DUI.

DUI Arrests by Age	FY 2011		FY 2012		FY 2013	
	Number	Percent	Number	Percent	Number	Percent
Age Unknown	1	< 0.1%	4	< 0.1%	0	0.0%
Ages 13-20	1,303	9.4%	1,046	8.0%	1,460	11.9%
Ages 21-24	2,458	17.8%	2,271	17.4%	2,144	17.5%
Ages 25-36	5,411	39.2%	5,275	40.5%	4,838	39.6%
Ages 37-48	2,737	19.8%	2,612	20.0%	2,231	18.3%
Ages 49-87	1,906	13.8%	1,823	14.0%	1,554	12.7%
TOTAL	13,816	100.0%	13,031	100.0%	12,227	100.0%

Source: Utah Department of Public Safety, Driver License Division

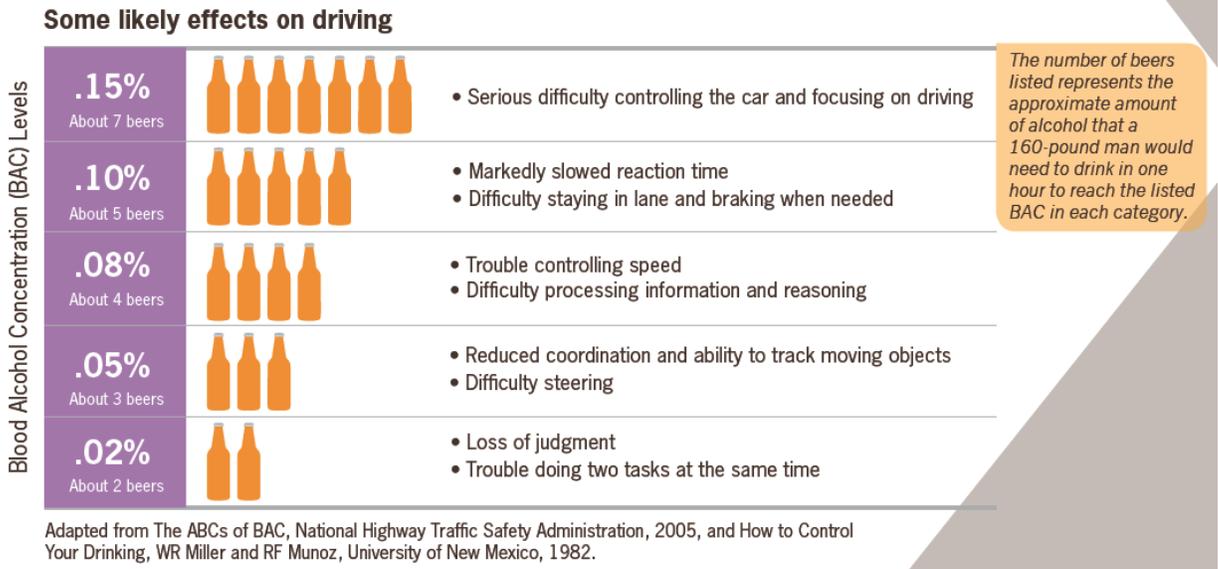
DUI Arrests by Blood/Breath Alcohol Concentration (BAC)

The average BAC in FY 2013 was .146 (median BAC was .14), the same as in the past several years. The highest BAC recorded was .42, *over five times the legal limit!*

DUI Arrests by BAC	FY 2011		FY 2012		FY 2013	
	Number	Percent	Number	Percent	Number	Percent
BAC Results Not Reported	3,994	28.9%	4,929	37.8%	4,573*	37.4%
.008 - .07	813	5.9%	763	5.9%	528	4.3%
.08 - .10	1,402	10.1%	1,334	10.2%	1,043	8.5%
.11 - .15	2,528	18.3%	2,457	18.9%	2,160	17.7%
.16 - .20	1,833	13.3%	1,614	12.4%	1,589	13.0%
.21 - .25	807	5.8%	729	5.6%	659	5.4%
.26 - .45	314	2.3%	312	2.4%	265	2.2%
Refused BAC Test	1,345	9.7%	276	2.1%	1,410	11.5%
No Test/Unknown	495	3.6%	617	4.7%	Not Available	
Drug Only	285	2.1%	0	0.0%	Not Available	
TOTAL	13,816	100.0%	13,031	100.0%	12,227	100.0%

Source: Utah Department of Public Safety, Driver License Division
 *Arrestee may have submitted to a blood test, but the Driver License Division never received the results, or this was a DUI/drug-related arrest and there was no BAC.

According to a 2011 report published by the Centers for Disease Control and Prevention (CDC), to reach a BAC of .14, a 160-pound man would need to consume between five and seven beers within one hour (see table below).¹



DUI Arrests by Month

As in previous years, DUI arrests remained fairly consistent throughout FY 2013, with an average of 1,019 arrests per month. The highest number of arrests occurred in March (1,210), with the lowest number of arrests in April (862).

DUI Arrests by Month	FY 2011		FY 2012		FY 2013	
	Number	Percent	Number	Percent	Number	Percent
July	1,359	9.8%	1,309	10.0%	1,055	8.6%
August	1,264	9.1%	1,086	8.3%	1,052	8.6%
September	1,152	8.3%	1,188	9.1%	1,058	8.6%
October	1,303	9.4%	1,190	9.1%	956	7.8%
November	965	7.0%	1,019	7.8%	1,041	8.5%
December	1,094	7.9%	1,065	8.2%	1,138	9.3%
January	1,202	8.7%	1,016	7.8%	915	7.5%
February	1,061	7.7%	1,022	7.8%	1,006	8.3%
March	1,178	8.5%	1,067	8.2%	1,210	9.9%
April	1,095	7.9%	992	7.6%	862	7.1%
May	1,128	8.2%	1,052	8.1%	986	8.1%
June	1,015	7.3%	1,025	7.9%	948	7.7%
TOTAL	13,816	100.0%	13,031	100.0%	12,227	100.0%

Source: Utah Department of Public Safety, Driver License Division

¹ Centers for Disease Control and Prevention Vital signs, *Drinking and Driving: A Threat to Everyone*, October 2011.

DUI Arrests by County

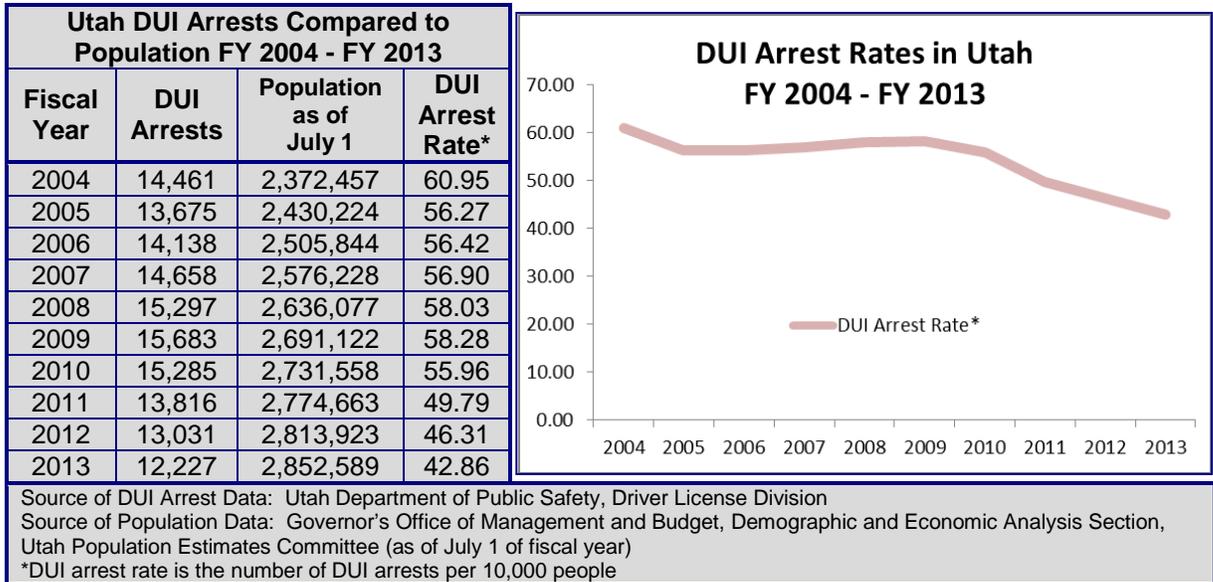
Consistent with past years, the majority of DUI arrests during FY 2013 occurred along the Wasatch Front with Weber, Davis, Salt Lake and Utah Counties accounting for 71 percent (8,697) of the total. Salt Lake County had the highest number of arrests with 5,096 (41.7%), while Wayne County had the fewest arrests with one (.01%). The table below also compares the percentage of DUI arrests to the percentage of both total population and vehicle miles traveled in each county.

County	DUI Arrests FY 2013		July 1, 2012 Utah Population Estimates		Vehicle Miles Traveled Calendar Year 2012	
	Number	Percent	Number	Percent	Number	Percent
Beaver	49	0.40%	6,589	0.23%	252,117,515	0.95%
Box Elder	145	1.19%	50,705	1.78%	877,987,924	3.30%
Cache	391	3.20%	115,851	4.06%	876,333,868	3.29%
Carbon	135	1.10%	21,431	0.75%	305,487,505	1.15%
Daggett	12	0.10%	1,107	0.04%	30,438,948	0.11%
Davis	1,064	8.70%	317,248	11.12%	2,531,978,716	9.51%
Duchesne	195	1.59%	19,572	0.69%	275,632,039	1.03%
Emery	64	0.52%	10,846	0.38%	381,235,825	1.43%
Garfield	18	0.15%	5,125	0.18%	110,821,951	0.42%
Grand	149	1.22%	9,420	0.33%	320,551,102	1.20%
Iron	236	1.93%	46,883	1.64%	700,741,148	2.63%
Juab	113	0.92%	10,426	0.37%	384,471,346	1.44%
Kane	40	0.33%	7,282	0.26%	171,426,081	0.64%
Millard	80	0.65%	12,625	0.44%	455,557,644	1.71%
Morgan	25	0.20%	9,913	0.35%	132,992,730	0.50%
Piute	4	0.03%	1,537	0.05%	28,419,196	0.11%
Rich	15	0.12%	2,255	0.08%	49,199,382	0.18%
Salt Lake	5,096	41.68%	1,059,112	37.13%	8,748,849,791	32.84%
San Juan	80	0.65%	15,232	0.53%	307,019,232	1.15%
Sanpete	60	0.49%	28,067	0.98%	205,894,610	0.77%
Sevier	112	0.92%	20,914	0.73%	319,951,941	1.20%
Summit	255	2.09%	37,704	1.32%	728,385,245	2.73%
Tooele	440	3.60%	59,984	2.10%	823,015,404	3.09%
Uintah	353	2.89%	34,435	1.21%	414,298,005	1.56%
Utah	1,450	11.86%	541,378	18.98%	3,830,963,768	14.38%
Wasatch	155	1.27%	25,354	0.89%	334,601,920	1.26%
Washington	402	3.29%	143,352	5.03%	1,379,312,655	5.18%
Wayne	1	0.01%	2,725	0.10%	47,366,479	0.18%
Weber	1,087	8.89%	235,517	8.26%	1,612,361,237	6.05%
Unknown	1	0.01%	Not Applicable		Not Applicable	
TOTAL	12,227	100.00%	2,852,589	100.00%	26,637,413,207	100.00%

Source for DUI Arrest Data: Utah Department of Public Safety, Driver License Division
 Source for Population Data: Utah Population Estimates Committee
 Source for Vehicle Miles Traveled: Utah Department of Transportation

DUI Arrest Rates by Population

The following table and figure illustrate the number of DUI arrests made in Utah by fiscal year, compared to the state's population. While Utah's population has continued to grow, the DUI arrest rate has declined steadily since FY 2009.



Repeat DUI Offenders by Type of Arrest

The following table shows repeat offender data by type of DUI-related arrest. Data were calculated by identifying arrests that occurred in FY 2013 as a starting point, then counting back ten years to determine previous arrests. Each arrest was placed in a column determined by the type of the arrest or violation. Nearly 69 percent of arrests were for a first offense, 20 percent were for a second offense, seven percent were for a third offense, and almost four percent were for a fourth or subsequent offense.

FY 2013 Arrest Type	Per se Alcohol (.08)/ Drug	Refusal of Chemical Test	Not a Drop (< 21)	Drug Metabolite	Commercial Driver (.04)	Unknown (no box marked)	TOTAL	
							Number	Percent
1 st	6,909	784	499	159	16	64	8,431	68.9%
2 nd	1,964	369	33	23	1	71	2,461	20.1%
3 rd	668	142	14	6	0	32	862	7.0%
4 th	220	60	1	3	0	8	292	2.4%
5 th	68	36	0	0	0	6	110	0.9%
6 th	28	13	0	0	0	1	42	0.4%
7 th	10	8	0	0	0	3	21	0.2%
8 th - 9 th	5	3	0	0	0	0	8	0.1%
TOTAL	9,872	1,415	547	191	17	185	12,227	100.0%

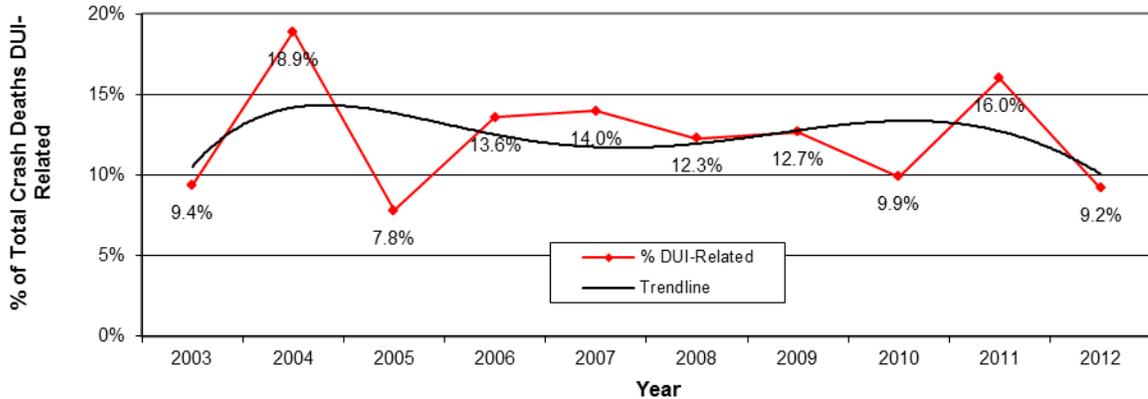
Source: Utah Department of Public Safety, Driver License Division

DUI-Related Crashes, Injuries and Fatalities

DUI/Alcohol-Related Crashes, Injuries and Fatalities

The figure below illustrates the trend in Utah’s DUI/alcohol-related crash fatalities from calendar years 2003 through 2012.

Percentage of Total Crash Fatalities That Were DUI/Alcohol-Related in Utah, Calendar Years 2003-2012



Source: Utah Department of Public Safety, Highway Safety Office

The following table shows the total number of DUI-related vehicle crashes involving alcohol for each calendar year from 2003 to 2012, including the number of persons injured and the number of persons killed as a result of the crashes. The number of DUI-related fatalities involving drivers with a blood alcohol level of .08 or greater in Utah decreased from 39 in calendar year 2011 to 20 in calendar year 2012, or nearly 49 percent.

DUI/Alcohol-Related Crashes, Injuries and Fatalities in Utah, CY 2003-2012									
Calendar Year	Crashes			Injuries			Fatalities		
	Total Crashes	DUI/Alcohol Crashes*	Percent DUI/Alcohol	Total Injured Persons	DUI/Alcohol Injured Persons	Percent DUI/Alcohol	Total Crash Fatalities	DUI/Alcohol Fatalities**	Percent DUI/Alcohol
2003	50,389	1,952	3.9%	28,352	1,360	4.8%	309	29	9.4%
2004	53,905	1,948	3.6%	29,638	1,570	5.3%	296	56	18.9%
2005	54,938	1,977	3.6%	29,221	1,398	4.8%	282	22	7.8%
2006	56,187	2,488	4.4%	27,433	1,844	6.7%	287	39	13.6%
2007	61,245	2,718	4.4%	27,420	1,900	6.9%	299	42	14.0%
2008	56,367	2,330	4.1%	24,673	1,596	6.5%	276	34	12.3%
2009	51,367	2,019	3.9%	22,847	1,288	5.6%	244	31	12.7%
2010	49,368	1,723	3.5%	21,675	1,150	5.3%	253	25	9.9%
2011	52,287	1,662	3.2%	22,325	1,019	4.6%	243	39	16.0%
2012	50,600	1,727	3.4%	22,336	1,043	4.7%	217	20	9.2%

Source: Utah Department of Public Safety, Highway Safety Office
 *DUI-related crashes include only those incidents that involved alcohol.
 **DUI-related fatalities include only drivers with a BAC of \geq .08.

DUI/Drug-Related Crashes, Injuries and Fatalities

The table below shows the number of DUI-related vehicle crashes, injuries and fatalities involving drugs only (no alcohol or BAC less than .08) for available years. The most common types of drugs found in fatal drug-related crashes are THC (tetrahydrocannabinol, the primary psychoactive ingredient in marijuana) and methamphetamine. Although the number of DUI/drug-related crashes decreased from CY 2011 to CY 2012, the number of deaths increased from 30 to 37, a 23 percent increase.

DUI/Drug-Related Crashes, Injuries and Fatalities in Utah, CY 2007-2012									
Calendar Year	Crashes			Injuries			Fatalities		
	Total Crashes	DUI/ Drug Crashes*	Percent DUI/ Drug	Total Injured Persons	DUI/Drug Injured Persons	Percent DUI/ Drug	Total Crash Fatalities	DUI/Drug Fatalities**	Percent DUI/ Drug
2007	61,245	158	0.3%	27,420	113	0.4%	299	16	5.4%
2008	56,367	565	1.0%	24,673	428	1.7%	276	12	4.3%
2009	51,367	547	1.1%	22,847	443	1.9%	244	36	14.8%
2010	49,368	525	1.1%	21,675	382	1.8%	253	26	10.3%
2011	52,287	603	1.1%	22,325	388	1.7%	243	30	12.3%
2012	50,600	548	1.1%	22,336	383	1.7%	217	37	17.1%

Source: Utah Department of Public Safety, Highway Safety Office
 *DUI/drug-related crashes include only those incidents that involved drugs and no alcohol.
 **DUI/drug-related fatalities include only drivers who tested positive for drugs and had a BAC of < .08.

Note: Drug presence does not necessarily imply impairment. For many drug types, drug presence can be detected long after any impairment that might affect driving has passed. Also, whereas the impairment effects for various concentration levels of alcohol is well understood, little evidence is available to link concentrations of other drug types to driver performance.

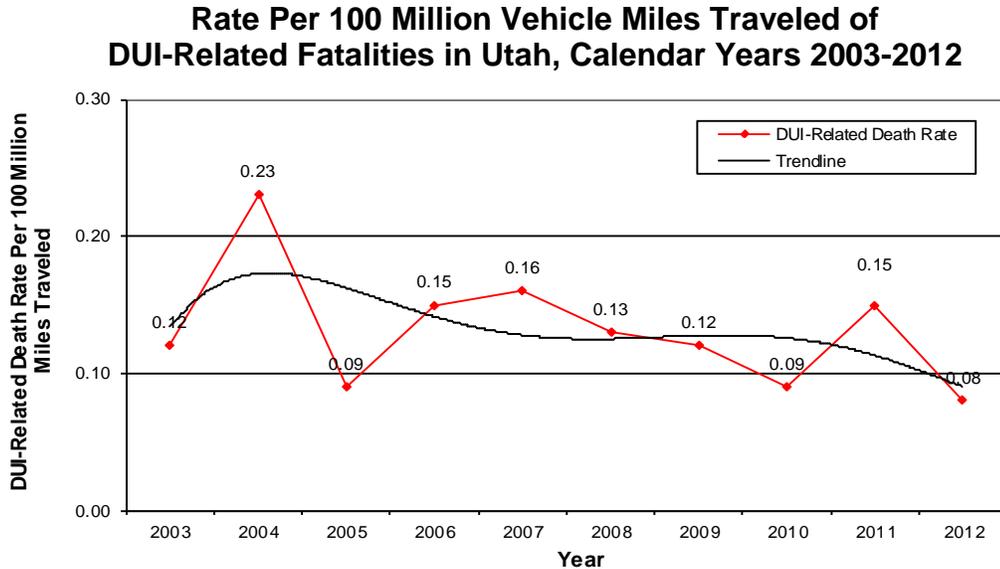
Rates of DUI-Related Fatalities by Population and Vehicle Miles Traveled

The following table shows the rates of DUI-related fatalities per 10,000 population and per 100 million vehicle miles traveled in Utah, for calendar years 2003 through 2012.

Calendar Year	Rates of DUI-Related Fatalities per 10,000 Population and 100 Million Vehicle Miles Traveled in Utah, Calendar Years 2003-2012				
	DUI-Related Fatalities*	DUI-Related Fatality Rates per 10,000 Population		DUI-Related Fatality Rates per 100 Million Vehicle Miles Traveled	
		Population as of July 1	Rate	Vehicle Miles Traveled	Rate
2003	29	2,372,457	0.12	23,946,840,430	0.12
2004	56	2,430,224	0.23	24,624,791,795	0.23
2005	22	2,505,844	0.09	25,129,538,952	0.09
2006	39	2,576,228	0.15	26,166,885,473	0.15
2007	42	2,636,077	0.16	26,824,244,333	0.16
2008	34	2,691,122	0.13	25,883,467,343	0.13
2009	31	2,731,558	0.11	26,217,108,843	0.12
2010	25	2,774,663	0.09	26,617,169,711	0.09
2011	39	2,813,923	0.14	26,379,900,505	0.15
2012	20	2,852,589	0.07	26,637,413,207	0.08

Source: Utah Department of Public Safety, Highway Safety Office
 *DUI-related fatalities include only those incidents that involved alcohol and where the driver had a BAC of ≥ .08.

The figure below illustrates the rates of DUI-related fatalities in Utah for calendar years 2003 through 2012, per 100 million vehicle miles traveled. From CY 2011 to CY 2012, the DUI-related fatality rate per 100 million vehicle miles traveled decreased from 0.15 to 0.08.



Source: Utah Department of Public Safety, Highway Safety Office

Month, Day and Hour of Alcohol-Impaired Driver Crashes

The Utah Highway Safety Office reports in calendar year 2012 the highest rates per day of alcohol-impaired driver crashes were in June (5.5), August (5.3), and November (5.2), with the lowest rate per day in March (4.0). The highest rate per day of fatal alcohol-impaired driver crashes occurred in October (0.10) and December (0.10). The highest percentages of alcohol-impaired driver total crashes occurred on Saturday (22.8%) and Sunday (22.6%). The highest percentages of alcohol-impaired driver fatal crashes also occurred on Saturday (47.4%) and Sunday (21.1%). Alcohol-impaired driver total crashes peaked in the evening and early morning hours, between 5:00 p.m. and 3:59 a.m. Fatal alcohol-impaired driver crashes varied by hour.



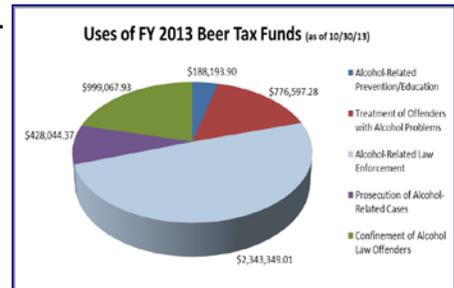
According to the Utah Highway Safety Office, an alcohol-impaired driver crash occurs in Utah every five hours.

Use of State Beer Tax Funds for DUI Law Enforcement

The state's beer tax funds are used to support DUI enforcement, as well as other alcohol-related enforcement, education/prevention and treatment activities. For FY 2013, the Legislature appropriated \$5,118,400 to be distributed from the *Alcoholic Beverage Enforcement and Treatment Restricted Account* (§32B-2-401) to municipalities and

counties statewide on a formula basis.² Funds may be spent in one or more of five general categories: (1) alcohol-related prevention/education; (2) treatment of offenders with alcohol problems; (3) alcohol-related law enforcement, including DUI; (4) prosecution of alcohol-related cases; and (5) confinement of alcohol law offenders. In order to receive beer tax funds, eligible municipalities and counties must submit an annual plan to the Utah Substance Abuse Advisory (USAAV) Council prior to the beginning of the fiscal year. Municipalities and counties receiving funding are also required to submit an annual report to the USAAV Council by October 1st of each year, outlining how funds were utilized, whether the programs or projects funded were effective, and certifying the funds were used in accordance with the law. In accordance with the statute, those that do not submit their reports forfeit their funds for the current fiscal year and the funds are allocated to other entities.

The figure to the right and the table below show how 2013 funds were utilized, including dollars spent for each allowable activity, as reported in the Beer Tax Funds Annual Reports submitted to the USAAV Council.



FY 2013 Beer Tax Funds Reports How Funds Were Used All (170) Entities Reporting	Municipalities and Counties Utilizing Beer Tax Funds for Each Activity		Beer Tax Funding Expended for Each Activity	
	Number	Percent ³	Amount	Percent
Alcohol-Related Prevention/Education	55	32.35%	\$ 188,193.90	3.97%
Treatment of Offenders with Alcohol Problems	10	5.88%	776,597.28	16.40%
Alcohol-Related Law Enforcement	136	80.00%	2,343,349.01	49.49%
Prosecution of Alcohol-Related Cases	46	27.06%	428,044.37	9.04%
Confinement of Alcohol Law Offenders	26	15.29%	999,067.93	21.10%
Totals			\$4,735,252.49⁴	100.0%

Source: Utah Substance Abuse Advisory Council, FY 2013 Beer Tax Funds Annual Reports

² In accordance with §32B-2-404 (UCA), the State Tax Commission distributes beer tax funds to municipalities and counties in December of each year based upon the following formula: percentage of state population residing in each municipality and county (25%); each municipality’s and county’s percentage of the statewide convictions for all alcohol-related offenses (30%); the percentage of the following in the state that are located in each municipality and county: state stores, package agencies, retail licensees, and off-premise beer retailers (20%); and for confinement and treatment purposes (for persons arrested for or convicted of offenses in which alcohol is a contributing factor) on the basis of the percentage of the state population located in each county (25% to counties only).

³ Recipients may use beer tax funds for more than one of the six categories outlined in the statute.

⁴ Of the total FY 2013 appropriation of \$5,118,400, a net distribution of \$5,116,755.80 was allocated via formula to eligible municipalities and counties. The net distribution is determined after the Tax Commission subtracts a fee of \$6 per distribution from the total (\$1,644 in FY 2013). In addition, the total amount of funding actually expended may be less than the amount distributed because some municipalities and counties did not utilize all of their funding during the fiscal year, in which case they may carry it over into the new fiscal year.

Adjudications
& Sanctions

3

Adjudications and Sanctions

DUI offenses are classified either as misdemeanors or felonies, depending on the type of offense and whether it is a repeat offense. The Justice Courts, which are sponsored by municipalities and counties, handle DUI offenses classified as class B misdemeanors. DUI offenses classified as class A misdemeanors and felonies are under the jurisdiction of the state’s District Courts. A DUI offense is classified as a class A misdemeanor if it involves bodily injury, a passenger under 16, or a passenger under 18 if the driver is 21 or older. A DUI offense is classified as a third degree felony if it is a third or subsequent offense within 10 years, if it involves serious bodily injury, or if the person has any prior felony DUI conviction or automobile homicide conviction.

Justice Court DUI Data

Justice Court DUI Cases and Outcomes

The following table details the 9,023 DUI cases in the Justice Courts during FY 2013. There were 576 fewer cases than in the previous year, a decrease of six percent. About 58 percent of cases resulted in a guilty plea or verdict, with nine percent not guilty or dismissed. This table does not represent the actual DUI conviction rate, however, as it includes cases filed in previous fiscal years that were not resolved until FY 2013. In addition, 2,991 cases were still pending resolution at the close of FY 2013.

Justice Court DUI Case Outcomes	FY 2011		FY 2012		FY 2013		% Change FY 12 – FY 13
	Number	Percent	Number	Percent	Number	Percent	
Guilty	5,367	53.3%	5,702	59.4%	5,205	57.7%	-8.7%
Dismissed or Not Guilty	1,826	18.1%	870	9.1%	827	9.2%	-4.9%
Cases Pending	2,884	28.6%	3,027	31.5%	2,991	33.1%	-1.2%
TOTAL	10,077	100.0%	9,599	100.0%	9,023	100.0%	-6.0%

Source: Utah Administrative Office of the Courts

Justice Court Repeat DUI Offender Data

The Justice Courts also track how repeat DUI offenders are handled. In the table on the following page, which includes data for fiscal years 2011, 2012 and 2013, the first column shows if the offender was charged as a first-time offender or a repeat offender.

The second column indicates how many of those in the first column actually met that criterion. The last column shows how the offender was sentenced. In FY 2013 for example, 15 percent of DUI offenders were charged with a second offense, while about 17 percent were actually second-time offenders, and 16 percent were sentenced as second-time offenders. Discrepancies between charges and sentencing are not unusual. An offender’s sentence is dependent upon the conviction, which may or may not be the same as the offense charged due to plea bargains or court procedural issues.

Justice Court Repeat DUI Offender Data for Fiscal Years 2011-2013⁵									
Offense	Offense Was Charged As			Offense Was Actually			Offense Was Sentenced As		
	FY 11	FY 12	FY 13	FY 11	FY 12	FY 13	FY 11	FY 12	FY 13
1 st Offense	84.3%	84.4%	84.7%	81.3%	82.1%	82.2%	83.0%	83.7%	83.6%
2 nd Offense	15.6%	15.3%	15.2%	18.1%	17.0%	16.8%	16.8%	16.0%	16.0%
3 rd Offense	0.1%	0.1%	0.2%	0.4%	0.6%	0.7%	0.2%	0.2%	0.3%
4 th Offense	0.0%	<0.1%	0.0%	<0.1%	0.1%	0.2%	0.0%	<0.1%	0.1%
5 th or Greater Offense	0.1%	0.1%	0.0%	0.1%	0.2%	0.1%	0.0%	<0.1%	0.0%
TOTAL	100%	100%	100%	100%	100%	100%	100%	100%	100%

Source: Utah Administrative Office of the Courts

Justice Court DUI Case Information and Sanctions

Additional DUI-related case information collected by the Justice Courts is shown in the table below. The table includes data for those Justice Courts in the Courts Information System (CORIS). The data indicate in FY 2013 judges ordered offenders to participate in an educational series in 2,629 cases, ordered substance use disorder treatment in 2,144 cases, and that ignition interlock devices were ordered in 767 cases.

Justice Court DUI Case Information and Sanctions	FY 2011	FY 2012	FY 2013
Number of Justice Courts Providing Data	122	119	121
Blood/Breath Alcohol Content (BAC) Known	3,422	3,621	3,224
Substance Use Disorder Screening and Assessment	3,122	3,794	3,456
Substance Use Disorder Treatment Ordered	2,141	2,409	2,144
Educational Series Ordered	2,729	3,066	2,629
Ignition Interlock Ordered	564	831	767
Supervised (Non-Court) Probation	2,891	3,255	2,916
Electronic Monitoring	187	189	214
Enhancement Notification	NA	1,113	1,162

Source: Utah Administrative Office of the Courts

⁵ The cases in the table represent only those for which the number of the offense was known. In addition, the following cases were not included: bail forfeiture, deceased, declined, dismissed, not guilty, remanded, and transferred.

District Court DUI Data

As shown in the table below, Utah’s District Courts disposed 2,305 DUI cases during FY 2013, 203 more than in FY 2012.

DUI in Utah’s District Courts	FY 2011	FY 2012	FY 2013	% Change FY 12 – FY 13
District Court Cases Disposed	2,115	2,102	2,305	+9.7%

Source: Utah Administrative Office of the Courts

District Court DUI Case Outcomes

The table below shows case outcomes by Judicial District for the 2,305 DUI cases disposed by Utah’s eight District Courts during FY 2013. Nearly 76 percent of the cases resulted in a guilty plea or verdict, and the defendant was found not guilty in only one case. Thirteen percent of the cases were dismissed. This table is not a depiction of the District Courts’ actual DUI conviction rates, as it includes only those cases that were disposed during FY 2013. Pending cases were not included in the data analysis.

FY 2013 District Court DUI Case Outcomes by Judicial District										
DUI Case Outcomes	Judicial District								Total	Percent
	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th		
Deceased	0	1	1	2	1	0	1	4	10	0.4%
Declined Prosecution	0	0	0	0	0	0	0	0	0	0.0%
Dismissed	36	46	85	66	12	18	14	25	302	13.1%
Diversion	0	0	0	0	0	0	0	0	0	0.0%
Guilty	128	344	553	366	109	46	67	131	1,744	75.7%
No Contest	1	1	4	22	1	1	1	3	34	1.5%
Not Guilty	0	0	0	0	1	0	0	0	1	< 0.1%
Plea in Abeyance	2	3	2	3	1	4	1	3	19	0.8%
Remanded	0	4	65	7	5	0	0	1	82	3.6%
Transferred	0	1	81	30	0	0	1	0	113	4.9%
TOTAL	167	400	791	496	130	69	85	167	2,305	100.0%

Source: Utah Administrative Office of the Courts

District Court Repeat DUI Offender Data

The District Courts also track how repeat DUI offenders are handled. In the table on the following page, which includes data for fiscal years 2011, 2012 and 2013, the first column shows if the offender was charged as a first-time offender or a repeat offender. The second column indicates how many of those in the first column actually met that criterion. The last column shows how the offender was sentenced. In FY 2013 for example, 31 percent of DUI offenders were charged with a third offense, while 25 percent were actually third-time offenders, and 23 percent were sentenced as third-time offenders. Discrepancies between charges and sentencing are not unusual. An offender’s sentence is dependent upon the conviction, which may or may not be the same as the offense charged due to plea bargains or court procedural issues.

District Court Repeat DUI Offender Data for Fiscal Years 2011-2013⁶									
Offense	Offense Was Charged As			Offense Was Actually			Offense Was Sentenced As		
	FY 11	FY 12	FY 13	FY 11	FY 12	FY 13	FY 11	FY 12	FY 13
1 st Offense	51%	46%	49%	47%	47%	52%	53%	52%	56%
2 nd Offense	15%	18%	16%	19%	21%	18%	18%	19%	18%
3 rd Offense	28%	30%	31%	24%	25%	25%	22%	25%	23%
4 th Offense	4%	3%	1%	6%	3%	1%	3%	2%	1%
5 th -10 th Offense	2%	3%	2%	4%	4%	4%	3%	2%	2%
TOTAL	100%	100%	100%	100%	100%	100%	100%	100%	100%

Source: Utah Administrative Office of the Courts

District Court DUI Case Information and Sanctions

Other DUI-related case information, including sanctions ordered, is also collected by the District Courts. The table below includes the FY 2013 data for those cases where the values were known. The table shows judges ordered offenders to participate in an educational series in 308 cases, ordered substance use disorder treatment in 630 cases, and that ignition interlock devices were ordered in 275 cases.

District Court DUI Case Information and Sanctions	FY 2011	FY 2012	FY 2013
Blood/Breath Alcohol Content (BAC) Known	451	462	455
Substance Use Disorder Screening and Assessment	691	623	693
Substance Use Disorder Treatment Ordered	674	613	630
Educational Series Ordered	337	303	308
Ignition Interlock Ordered	295	246	275
Supervised (Non-Court) Probation	792	793	887
Electronic Monitoring	119	101	116
Enhancement Notification	100%	100%	100%

Source: Utah Administrative Office of the Courts

The DUI Sentencing Matrix included at the end of this report provides detailed information regarding DUI offense classifications and sanctions.

⁶ The cases in the table represent only those for which the number of the offense was known. In addition, the following cases were not included: bail forfeiture, deceased, declined, dismissed, not guilty, remanded, and transferred.



Driver License Control

The Department of Public Safety’s Driver License Division is required to suspend or revoke the license of a person who has been convicted or sanctioned for the following:

- Driving under the influence
- Driving with any measurable controlled substance metabolite in the body
- Not a Drop violation
- Refusal to submit to a chemical test
- Automobile homicide
- “No-alcohol” conditional license
- Alcohol restricted driver (ARD) violation
- Interlock restricted driver (IRD) conviction

Alcohol Hearing Statistics

When a driver is arrested for DUI, the license is taken and a 30-day temporary license is issued. Drivers may request a license hearing within 10 days, and the Driver License Division must schedule the hearing within the 30-day period of the temporary license.

As shown in the table below, there were 5,206 requested alcohol hearings held in FY 2013. The Division is unable to take any action against a driver if the arresting officer does not appear at the hearing. To improve appearance rates, the Division offers a telephonic option whereby officers or offenders can phone in for the hearing.

FY 2013 Alcohol Hearing Statistics						
ACD Code	Total # of Hearings	No Officer	No Officer Telephonic	Other No Action	Total No Action	Total Telephonic
Per Se	4,475	847	Not Available	660	1,507	Not Available
Not a Drop	110	23	Not Available	6	41	Not Available
Refusal	621	116	Not Available	49	165	Not Available
TOTAL	5,206	986	Not Available	715	1,713	Not Available

Source: Utah Department of Public Safety, Driver License Division

Screening, Assessment, Education and Treatment

Screening and Assessment

As part of any sentence for a DUI offense, Utah law requires offenders to participate in a screening and, if indicated by the screening, an assessment. A screening involves gathering information that is used to determine if an individual has a problem with alcohol and/or other drug abuse, and if so, whether an in-depth clinical assessment is appropriate. An assessment is a collection of detailed information concerning the individual’s alcohol and/or other drug abuse, emotional and physical health, social roles, and other relevant areas of the individual’s life. The assessment is used to determine the need for substance use disorder treatment.⁷ The following table shows the orders for substance use disorder screening and assessment by the District and Justice Courts in FY 2013, for those cases where the values were known.

Substance Use Disorder Screening and Assessment Ordered by the Courts	FY 2011	FY 2012	FY 2013
Justice Courts	3,122	3,794	3,456
District Courts	691	623	693

Source: Utah Administrative Office of the Courts

Education

For a first DUI offense and for a second offense within 10 years, the sentence must include participation in an educational series if the court does not order treatment. The purpose of DUI education is to “address any problems or risk factors that appear to

⁷ Center for Substance Abuse Treatment, *Screening and Assessment for Alcohol and Other Drug Abuse Among Adults in the Criminal Justice System*, Treatment Improvement Protocol (TIP) Series, #7.

be related to use of alcohol and other drugs and attempt to help the individual recognize the harmful consequences of inappropriate use, with special emphasis placed on the dangers of drinking and driving.”⁸ Utah DUI offenders sentenced to an educational series attend the PRIME For Life® (PFL) program developed by the Prevention Research Institute (PRI). “PRIME For Life® is a motivational intervention that provides education and strategies for individuals who have experienced problems due to high-risk alcohol or drug use. PFL is an interactive experience designed to motivate and guide individuals toward making low-risk choices and adopting more accurate beliefs about personal risk that will support those low-risk choices. The program provides research-based, low-risk guidelines and assists participants in making choices to best protect what they value.”⁹

In the PFL program, “**low-risk choices** are defined as abstinence from drug use. The guidelines for alcohol include abstinence for those who have already developed alcoholism; otherwise no more than one standard drink (1/2 ounce of pure alcohol) in an hour, two standard drinks daily, or three standard drinks on any day (known as the 0-1-2-3 guidelines). The peak amount per week is 14 standard drinks.” **High-risk choices** are defined as any use that causes impairment or increases overall risk for health problems or premature death. Examples include using illegal drugs, prescription drugs other than as prescribed, or exceeding the 0-1-2-3 guidelines for alcohol. Additionally, PFL identifies some situations (e.g., driving, illness, medications, and workplace) when any amount of use may be high-risk.”¹⁰

The following table shows the orders for the educational series by the Justice and District Courts in FY 2013, for those cases where values were known.

Educational Series Ordered by the Courts	FY 2011	FY 2012	FY 2013
Justice Courts	2,729	3,066	2,629
District Courts	337	303	308

Source: Utah Administrative Office of the Courts

PRI conducts periodic studies of PFL participants to measure the impact on changing beliefs about alcohol and other drug use, understanding the risks associated with alcohol/drug use, and desire to change personal drinking and drug use behaviors. In previous years this study was published annually; however, because the findings have been virtually identical from year to year, PRI now publishes the study less frequently. The most recent study provides data on 442 Utahns who participated in the PFL program during 2011, nearly all of whom were ordered to PFL following a substance-

⁸ Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

⁹Stafford, P., Beadnell, B., Rosengren, D.B., Carter-Lunceford, C., & Huynh, H. (2012, April). *PRIME For Life UTAH 2011 Evaluation Report Executive Summary*. Lexington, KY: Prevention Research Institute.

¹⁰ Ibid.

related arrest. Participants ranged in age from 15 to 74, with an average age of 29. Findings from this study are summarized in the table below and on the following page.¹¹

2011 Utah PRIME For Life Participant Characteristics and Outcomes		
Gender		
Male		65%
Female		35%
Race/Ethnicity		
Caucasian		76%
Hispanic		14%
Multiracial		4%
Other		6%
Type of Offense		
Impaired Driving		59%
At Least One Previous Arrest for Impaired Driving		15%
Drug Possession		10%
Underage Drinking		22%
Not Arrested or Referred by Court		2%
Other		7%
Key Findings	Pretest	Posttest
<u>High Risk Attitudes and Beliefs</u>		
<ul style="list-style-type: none"> ▪ What is the maximum number of drinks you could drink in a day before it is high risk for you? <ul style="list-style-type: none"> - 0-3 drinks - 4+ drinks ▪ Perceived risk for alcoholism/addiction: <ul style="list-style-type: none"> - I could develop alcoholism - I could develop drug addiction 		
	41%	70%
	59%	30%
	43%	70%
	56%	70%
<u>Readiness for Change</u>		
<ul style="list-style-type: none"> ▪ Usual number of drinks consumed in a day: <ul style="list-style-type: none"> - Abstain - 1-3 drinks - 4+ drinks ▪ How motivated are you to reduce or maintain your drinking at low-risk levels? <ul style="list-style-type: none"> - A lot/Extremely - A little/Somewhat - Not at all 		
	23%	48%
	17%	35%
	60%	17%
	65%	81%
	25%	14%
	10%	5%

¹¹Ibid.

2011 Utah PRIME For Life Participant Characteristics and Outcomes		
	<u>Pretest</u>	<u>Posttest</u>
<ul style="list-style-type: none"> ▪ How motivated are you to reduce or maintain your drug use at low-risk levels? <ul style="list-style-type: none"> - A lot/Extremely - A little/Somewhat - Not at all 	69%	74%
	18%	16%
	13%	10%
<ul style="list-style-type: none"> ▪ Posttest: Confidence Outweighs Temptation (Confidence and Temptation Scales Range is 12 to 60.) <ul style="list-style-type: none"> - Confidence in ability to make low-risk choices - Temptation to make high-risk choices 	NA	35.3
	NA	23.2

Most participants in PRIME for Life during 2011 reported they *agreed* or *strongly agreed* PFL helped them in the following areas:

- Forming detailed plans (87%),
- Deciding to drink or use drugs less (82%),
- Feeling confident about making changes (85%), and
- Developing skills (88%).

Treatment

For a first and second DUI offense, the court *may* order treatment; for a third or subsequent offense within 10 years, the court *must* order substance use disorder treatment. “Treatment involves the application of planned procedures to identify and change patterns of behavior that are maladaptive, destructive, and/or injurious to health; or to restore appropriate levels of physical, psychological and/or social functioning. DUI offenders assessed as meeting the diagnostic criteria for a substance use disorder should participate in a treatment program in addition to, or in lieu of, the educational course.”¹² Treatment should address both alcohol and other drug problems. The level of treatment needed (e.g., day treatment, outpatient, intensive outpatient, residential) is determined by the assessment on the basis of the severity of the substance use disorder. The table below shows the orders for substance use disorder treatment by the Justice and District Courts in FY 2013, for those cases where the values were known.

Substance Use Disorder Treatment Ordered by the Courts	FY 2011	FY 2012	FY 2013
Justice Court	2,141	2,409	2,144
District Court	674	613	630

Source: Utah Administrative Office of the Courts

¹² Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

Impaired Driving Media Campaign

6

Utah's Impaired Driving Media Campaign



The Utah Department of Public Safety Highway Safety Office's statewide media, high-visibility enforcement, and community outreach campaign focuses on changing Utah citizens' current perceptions and behaviors regarding driving under the influence of alcohol. This focus supports the National Highway Traffic Safety Administration's "**Drive Sober or Get Pulled Over**" campaign goal to provide resources to communities to create deterrence through public and private partnerships.



Partnership with Gateway Mall



Partnership with Lumpy's
"Leprechauns Against Drunk Driving"



Partnership with Autorama



Partnership with UTA



Partnership with Lowe's
(BBQ Apron)



Billboard

UTAH DUI SENTENCING MATRIX

(Current as of May 14, 2013)

Court-Ordered Sentencing	MISDEMEANOR DUI		FELONY DUI
	FIRST OFFENSE	SECOND OFFENSE WITHIN 10 YEARS	
CLASSIFICATION (§41-6a-503)	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: <ul style="list-style-type: none"> if bodily injury¹ if passenger is under 16 if passenger is under 18 and driver is 21 or older 	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: <ul style="list-style-type: none"> if bodily injury¹ if passenger under 16 if passenger is under 18 and driver is 21 or older 	THIRD DEGREE FELONY <ul style="list-style-type: none"> if third or subsequent offense within 10 years if serious bodily injury¹ if any prior felony DUI conviction or automobile homicide¹ conviction
Jail (§41-6a-505)	SHALL order: 48 consecutive hours OR 48 hours compensatory service OR 48 hours electronic home confinement ²	SHALL order: 240 consecutive hours OR 240 hours compensatory service OR 240 hours electronic home confinement ²	SHALL order: 0-5 year prison term OR 1,500 hours jail (62.5 days) OR 1,500 hours electronic home confinement ²
Fine, Surcharge, and Court Security Fee (§41-6a-505) (§51-9-401)	SHALL order: \$700 minimum fine plus a \$630 surcharge plus a \$40 court security fee	SHALL order: \$800 minimum fine plus a \$720 surcharge plus a \$40 court security fee	SHALL order: \$1,500 minimum fine plus a \$1,350 surcharge plus a \$40 court security fee, unless a 0-5 prison term is imposed
Screening, Assessment, Educational Series, Treatment (§41-6a-505)	SHALL order: <ul style="list-style-type: none"> Screening Assessment (if found appropriate by screening) Educational series, unless treatment is ordered MAY order: <ul style="list-style-type: none"> Treatment 	SHALL order: <ul style="list-style-type: none"> Screening Assessment (if found appropriate by screening) Educational series, unless treatment is ordered MAY order: <ul style="list-style-type: none"> Treatment 	SHALL order: <ul style="list-style-type: none"> Screening Assessment Intensive treatment or inpatient treatment and aftercare for not less than 240 hours, unless 0-5 prison term is imposed
Probation ³ (§41-6a-507)	MAY order supervised probation	SHALL order supervised probation	SHALL order supervised probation if 0-5 prison term is not imposed
Ignition Interlock ⁴ (§41-6a-518) (§41-6a-530)	MAY order: <ul style="list-style-type: none"> Ignition interlock SHALL order: <ul style="list-style-type: none"> Interlock if under 21 Interlock for an ARD⁵ violation OR describe on the record why such order not appropriate 	MAY order: <ul style="list-style-type: none"> Ignition interlock SHALL order: <ul style="list-style-type: none"> Interlock if under 21 Interlock for an ARD⁵ violation OR describe on the record why such order not appropriate 	MAY order: <ul style="list-style-type: none"> Ignition interlock SHALL order: <ul style="list-style-type: none"> Interlock if under 21 Interlock for an ARD⁵ violation OR describe on the record why such order not appropriate
High BAC (.16 or higher) (§41-6a-505)	SHALL order: <ul style="list-style-type: none"> Supervised probation³ Treatment and interlock⁴ and/or ankle attached continuous transdermal alcohol monitoring device and/or electronic home confinement² OR describe on the record why such order(s) not appropriate 	SHALL order: <ul style="list-style-type: none"> Supervised probation³ Treatment and interlock⁴ and/or ankle attached continuous transdermal alcohol monitoring device and/or electronic home confinement² OR describe on the record why such order(s) not appropriate 	SHALL order: <ul style="list-style-type: none"> Supervised probation³ if 0-5 prison term is not imposed Treatment and interlock⁴ and/or ankle attached continuous transdermal alcohol monitoring device and/or electronic home confinement² OR describe on the record why such order(s) not appropriate
Driver License Suspension (§41-6a-509)	Court MAY order additional 90 days, 120 days, 180 days, one year or 2 years	Court MAY order additional 90 days, 120 days, 180 days, one year or 2 years	Court MAY order additional 90 days, 120 days, 180 days, one year or 2 years

¹A person is guilty of a separate offense for each victim suffering bodily injury, serious bodily injury or death, whether or not the injuries arise from the same episode of driving.

²See §41-6a-506 for electronic home confinement provisions.

³Supervised probation is also required for all violations of §41-6a-517 (driving with any measurable controlled substance or metabolite in the body).

⁴Adoption of the ignition interlock restricted driver (IRD) provision (§41-6a-518.2) does not change the obligation of judges to impose interlock as a condition of probation.

⁵Alcohol restricted driver

The following statutory provisions also apply to DUI offenders, although they do not require a court order. Failure to comply carries additional criminal sanctions.

Statutory Provisions	FIRST OFFENSE	SECOND OR SUBSEQUENT OFFENSES WITHIN 10 YEARS
Driver License Denial, Suspension, or Revocation		
Driving Under the Influence/ DUI Conviction (§41-6a-509)	<p>If 21 or older: 120 days</p> <p>If 19-20: Longer of one year or until 21st birthday</p> <p>If under 19: Until 21st birthday</p> <p>Early License Reinstatement for Drivers Under 21: Court may order shortening of the suspension period after 6 months if the person completes a screening; completes an assessment if appropriate; completes an education series or substance abuse treatment, as deemed appropriate by the court; has not been convicted of a violation of a motor vehicle law during the suspension period; has complied with all terms of probation or all court orders if not ordered to probation; and provides a sworn statement to the court that the person has not unlawfully consumed alcohol during the suspension period.</p>	<p>If 21 or older: 2 years</p> <p>If 19-20: Longer of 2 years or until 21st birthday</p> <p>If under 19: Until 21st birthday</p>
Driving with Controlled Substance/ Metabolite in Body Conviction (§41-6a-517)	<p>If 21 or older: 120 days</p> <p>If 19-20: Longer of one year or until 21st birthday</p> <p>If under 19: Until 21st birthday</p> <p>Early License Reinstatement for Drivers Under 21: Same as above, but sworn statement must include the person has not consumed a controlled substance not prescribed by a practitioner during the suspension period.</p>	<p>If 21 or older: 2 years</p> <p>If 19-20: Longer of two years or until 21st birthday</p> <p>If under 19: Until 21st birthday</p>
Refusal of Chemical Test (§41-6a-521)	<p>If 21 or older: 18 months</p> <p>If under 21: Longer of 2 years or until 21st birthday</p>	<p>If 21 or older: 36 months</p> <p>If under 21: Longer of 36 months or until 21st birthday</p>
Per se Arrest (§53-3-223) <small>≥ .08 BAC, impaired to degree unsafe to drive, operating with metabolite of drug in system</small>	<p>If 21 or older: 120 days</p> <p>If under 21: 6 months</p>	<p>If 21 or older: 2 years</p> <p>If under 21: Longer of 2 years or until 21st birthday</p>
Not A Drop (§53-3-231) <small>A person under 21 may not operate a vehicle or motorboat with detectable alcohol in body</small>	<p>If under 21: Until successful completion of substance abuse program recommendation, but not less than 6 months</p>	<p>If under 21: Until successful completion of substance abuse program recommendation, and the longer of 2 years or until 21st birthday</p>
Failure to Install or Removal of Ignition Interlock Device (§53-3-1007)	<p>An individual who is an interlock restricted driver (IRD) shall have their driving privilege suspended until they have had an ignition interlock device installed in their vehicle. If the interlock device is removed prior to the ending date of the interlock restriction period, the driver license shall be re-suspended until an ignition interlock device is re-installed. This suspension may be imposed in addition to other license sanctions as listed above.</p>	
Other Sanctions		
IRD – Interlock Restricted Driver (§41-6a-518.2) <small>An "interlock restricted driver" may not operate a motor vehicle without an ignition interlock system.</small>	<ul style="list-style-type: none"> • 18 months IRD for 1st DUI (§41-6a-502) if over 21 • 3 years IRD for 1st Driving Without Ignition Interlock Device if IRD (§41-6a-518.2), Refusal to Submit to Chemical Test (§41-6a-521), or 1st DUI (§41-6a-502) if under 21 • 3 years IRD for a combination of two of the following within 10 years: DUI (§41-6a-502), Refusal to Submit to Chemical Test (§41-6a-521), Controlled Substance/Metabolite (§41-6a-517), Alcohol-Related Reckless (§41-6a-512 – <i>only violations prior to July 1, 2008</i>), Impaired Driving (§41-6a-502.5), Driving with Controlled Substance/Bodily Injury or Death (§58-37-8(2)(g)), or Automobile Homicide (§76-5-207) • 6 years IRD for Felony DUI (§41-6a-502) • 10 years IRD for Automobile Homicide (§76-5-207) <p><small>Note: Abeyances count as convictions, as defined in §41-6a-501; if all offenses are for Controlled Substance/Metabolite convictions, IRD does not apply</small></p>	
ARD – Alcohol Restricted Driver (§41-6a-529) <small>An "alcohol restricted driver" may not operate or be in actual physical control of a vehicle with any measurable or detectable amount of alcohol in the person's body.</small>	<ul style="list-style-type: none"> • 2 years ARD for 1st DUI (§41-6a-502), Alcohol-Related Reckless (<i>only violations prior to July 1, 2008</i>), or Impaired Driving (§41-6a-502.5) • 2 years ARD for any Per se offense (§53-3-223) • 3 years ARD for any driving without an IID if an IRD (§41-6a-518.2) or driving with alcohol in body if an ARD (§41-6a-530) offense • 5 years ARD for 1st Refusal to Submit to Test (§41-6a-521) or Class A misdemeanor DUI (§41-6a-502) • 10 years ARD for 2nd offense, if 2nd offense is DUI (§41-6a-502), Alcohol-Related Reckless (<i>only violations prior to July 1, 2008</i>), Impaired Driving (§41-6a-502.5), or Refusal to Submit to Chemical Test (§41-6a-521); and 1st offense is DUI (§41-6a-502), Alcohol-Related Reckless (<i>only violations prior to July 1, 2008</i>), or Impaired Driving (§41-6a-502.5) • Lifetime ARD for any Felony DUI (§41-6a-502) or Automobile Homicide (§76-5-207) <p><small>Note: Abeyances count as convictions as stated in §53-3-229, excluding ARD and IRD abeyances; if Per se is drug only or metabolite, ARD does not apply.</small></p>	



Utah Commission
on Criminal and
Juvenile Justice

CCJJ

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